

# ARKANSAS COURT OF APPEALS

DIVISION I  
No. CA 08-1410

SANDRA P. ERWIN

APPELLANT

V.

RIVERSIDE FURNITURE  
CORPORATION

APPELLEE

**Opinion Delivered** April 22, 2009

APPEAL FROM THE ARKANSAS  
WORKERS' COMPENSATION  
COMMISSION,  
[NO. F408476]

AFFIRMED

**COURTNEY HUDSON HENRY, Judge**

Appellant Sandra P. Erwin appeals the decision of the Arkansas Workers' Compensation Commission denying her claim for benefits. For reversal, appellant contends that substantial evidence does not support the Commission's findings that there was no causal relationship between her compensable injury and the development of traumatic arthritis, that she did not sustain a compensable injury of the left sural nerve, and that she was not entitled to temporary total disability benefits in connection with those conditions. We affirm the Commission's decision.<sup>1</sup>

Appellant, who was born in 1951, was a long-time employee of appellee Riverside Furniture Corporation, working in such capacities as a sprayer, a repair person, and a lead

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<sup>1</sup> This is the second time this case has been before us. We dismissed the first appeal for the lack of a final order. *See Erwin v. Riverside Furniture Corp.*, 97 Ark. App. 42, 244 S.W.3d 14 (2005).

lady. On September 10, 2003, appellant sustained an admittedly compensable injury when she tripped on a board, causing her left leg to fall between two pallets. Dr. Terry Clark provided treatment to appellant for this injury. Radiographic studies taken on October 7, 2003, revealed soft tissue swelling at the lateral malleolar region of the left ankle without evidence of fracture or other acute bony lesion. The study also showed no fracture line, dislocation, or other acute osseous abnormality of the left foot. Based on these studies and his examination, Dr. Clark diagnosed appellant with a sprain of the left ankle. On November 11, 2003, he released appellant to return to work without restrictions, after noting no edema, discoloration, or tenderness to palpation. Appellant returned to work following this release.

Since that time, however, appellant has presented to a number of physicians with complaints of back pain, left-leg pain, and most prominently, pain in her left ankle and foot. To determine the etiology of the problems experienced by appellant to the left lower extremity, these physicians ordered a variety of tests and explored the possibility that appellant may have developed reflex sympathetic dystrophy (RSD) or traumatic arthritis. Also, a nerve conduction study performed in July 2004 produced abnormal results that suggested sensory sural neuropathy. Because appellant missed an increasing number of days at work, appellee placed appellant on medical leave in September 2004. Once that medical leave expired, appellee terminated appellant's employment in May 2005. In March 2007, appellant underwent a sural neurectomy of the left lower extremity.

Appellant contended that she developed RSD and traumatic arthritis as the result of the accident at work on September 10, 2003, and that she was entitled to medical benefits

associated with the diagnosis and treatment of those conditions. Appellant also asserted that the September 10, 2003, accident included an injury to her left sural nerve in the area of her left ankle and foot and that she was entitled to benefits for the treatment of that condition. Appellant also maintained that she was entitled to temporary total benefits arising from all three of these conditions.<sup>2</sup>

The administrative law judge denied appellant's claim for benefits associated with RSD based on the lack of objective findings to support the existence of that condition. The ALJ awarded appellant benefits for the treatment of sural neuropathy and traumatic arthritis. The ALJ also awarded benefits for periods of temporary total disability. Both parties appealed the ALJ's decision. The Commission determined that appellant sustained a compensable injury on September 10, 2003, in the form of a sprained ankle as diagnosed by Dr. Clark. The Commission denied appellant's claim with regard to RSD. The Commission also found that appellant did not sustain an injury to the sural nerve in the September 2003 fall at work. In addition, the Commission determined that appellant's arthritis was not a compensable consequence of the September 2003 fall. Lastly, the Commission denied appellant's claim for temporary total disability benefits, based on Dr. Clark's assessment that appellant reached the end of her healing period for the sprained ankle on November 11, 2003. Appellant now appeals that decision.

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<sup>2</sup> As part of her claim, appellant also asserted that she sustained a fall at her home in May 2006, in which she injured her right wrist and left knee. She claimed that this incident was a compensable consequence of the work-related injury of September 10, 2003. Both the Commission and the ALJ denied this claim, and appellant does not appeal that decision.

On appeal, appellant does not challenge the Commission's denial of compensation for RSD. For reversal, she contends that the Commission's findings denying compensation for sural neuropathy and traumatic arthritis are not supported by substantial evidence. Further, she argues that substantial evidence does not support the Commission's denial of temporary total disability benefits.

We first address appellant's contentions with regard to sural neuropathy and traumatic arthritis. The law is settled that if an injury is compensable, then every natural consequence of that injury is also compensable. *Martin Charcoal v. Britt*, 102 Ark. App. 252, \_\_\_ S.W.3d \_\_\_ (2008). The basic test is whether there is a causal connection between the compensable injury and the consequences of that injury. *K II Constr. Co. v. Crabtree*, 78 Ark. App. 222, 79 S.W.3d 414 (2002). Our workers' compensation law also requires an employer to promptly provide an injured employee such medical services as are reasonably necessary in connection with the compensable injury. Ark. Code Ann. § 11-9-508(a) (Supp. 2007). The employee has the burden of proving by a preponderance of the evidence that medical treatment is reasonable and necessary. *Goyne v. Crabtree Contracting Co., Inc.*, \_\_\_ Ark. App. \_\_\_, \_\_\_ S.W.3d \_\_\_ (Mar. 18, 2009).

In appeals involving claims for workers' compensation, this court views the evidence and all reasonable inferences deducible therefrom in the light most favorable to the Commission's decision and affirms the decision if it is supported by substantial evidence. *Kimbell v. Ass'n of Rehab Indus. & Bus. Companion Prop. & Cas.*, 366 Ark. 297, 235 S.W.3d 499 (2006). Substantial evidence is evidence that a reasonable mind might accept as adequate

to support a conclusion. *Dorris v. Townsends of Ark., Inc.*, 93 Ark. App. 208, 218 S.W.3d 351 (2005). Where the Commission denies a claim because of the claimant's failure to meet her burden of proof, the substantial-evidence standard of review requires that we affirm if the Commission's decision displays a substantial basis for the denial of relief. *Kimbell, supra*. We will not reverse the Commission's decision unless we are convinced that fair-minded persons with the same facts before them could not have reached the conclusions arrived at by the Commission. *Dorris, supra*.

As noted above, a nerve-conduction study performed in July 2004 detected appellant's sural neuropathy. In August 2004, Dr. Tonya Phillips, a neurologist, remarked that the etiology of that condition was not clear. In December 2004, Dr. James Deneke, a rheumatologist, stated that the connection between the work-related injury and this condition was unclear because the condition existed bilaterally in her lower extremities. By deposition, Dr. Phillips testified that appellant's fall at work did not cause the neuropathy because the condition existed in both lower extremities. The Commission relied on Dr. Phillips's opinion in determining that appellant's sural neuropathy was not related to appellant's compensable injury. The Commission has the authority to accept or reject medical opinions, and its resolution of the medical evidence has the force and effect of a jury verdict. *Poulan Weed Eater v. Marshall*, 79 Ark. App. 129, 84 S.W.3d 878 (2002). Taking into account our standard of review, we conclude that substantial evidence supports the Commission's finding that appellant's accident at work did not cause the sural neuropathy in her left lower extremity.

The Commission also relied on Dr. Phillips's testimony in deciding that appellant's arthritic condition was not related to her compensable injury. Dr. Phillips ordered a triple-phase bone scan in October 2004. This scan showed a moderate degree of uptake in the region of the left talus, and the report from that scan stated the impression that the uptake in the left talus "may be due to arthritic change or recent trauma." Dr. Phillips interpreted this study as showing arthritic changes in both of appellant's ankles, as well as both of her knees. In her deposition, Dr. Phillips explained that the "recent trauma" referred to in the report from the bone scan indicated trauma that occurred within the last few days or weeks. Inasmuch as appellant has signs of arthritis in both of her ankles and knees, we hold that substantial evidence supports the Commission's finding that any arthritis in appellant's left ankle was not a natural consequence of the compensable injury.

Appellant's final argument concerns her claim for temporary total disability benefits resulting from her inability to work due to her arthritis and sural neuropathy. To receive benefits for temporary total disability, a claimant must prove by a preponderance of the evidence that she was within a healing period and totally incapacitated from earning wages. *Hickman v. Kellogg, Brown & Root*, 372 Ark. 501, 277 S.W.3d 591 (2008). The "healing period" is the "period for healing of an injury resulting from an accident." Ark. Code Ann. § 11-9-102(12) (Supp. 2007). The Commission found that appellant's healing period for her sprained ankle ended on November 11, 2003, when Dr. Clark released her to return to work without restrictions. In the absence of evidence linking appellant's arthritis and sural neuropathy to her compensable injury, we hold that substantial evidence supports the

Commission's decision that appellant is not entitled to temporary total disability benefits arising from those conditions.

Affirmed.

GLOVER and BROWN, JJ., agree.